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1. Purpose and Scope. This chapter describes the procedures for interaction with selected representatives and fees payable to attorneys.

2. Authority. Under 20 CFR § 30.600 a claimant may authorize an attorney or any other person to provide representation.

a. While the claimant does not need to be represented to file a claim or receive payment, he/she may appoint a single individual to represent his or her interests. There may be only one individual serving as a representative at any given time during the claims process.

3. Responsibilities. The CE has the responsibility for obtaining a signed statement from the claimant designating an individual as a representative. The appointment of a representative must be in writing from the claimant and must include the name and address of the representative. Moreover, the claimant must specify the type of authorization he or she is granting to the representative in regard to gaining access to the documentation contained in the case file.

4. Types of Representation. The claimant has three options in regards to allowing another individual to serve in his/her interest:

a. Privacy Act Waiver. A Privacy Act waiver grants the EEOICp permission to copy documentation from the case file and send it to a person of the claimant's choosing. This person may be anyone the claimant wishes to receive and read material from the case file. The designated person will have no authority to make requests for additional information or sign documents on behalf of the claimant

b. Representative. A representative is any person designated by the claimant to assist with the claim adjudication process. If a representative has been appointed, the EEOICP is not permitted to recognize another until the original is withdrawn. The designated

4. Types of Representation. (Continued)

representative has the ability to access the claim record, receive correspondence, submit additional evidence, argue factual or legal issues, and exercise appeal requests. A designated representative does not have signature authority on behalf of the claimant.

c. Power of Attorney. A power of attorney is a designation that permits another person to act on behalf of a claimant concerning financial or legal actions. Generally, a person with power of attorney is authorized to sign documents as if he/she was the claimant. While an existing power of attorney may apply to the EEOICP claims process, the ability of the person to act with power of attorney may be limited. The language of each power of attorney contract will detail the extent of the authorization granted. The Solicitor of Labor must affirm the validity of any power of attorney submitted for use in a claim for compensation.

5. Corresponding With Representatives. Once the claimant has provided a written authorization for another individual to act as his/her representative and specified the type of access to claim file that is permitted, the CE must prepare a brief letter advising the representative of his/her assignment to the case (see Exhibit 1). If the claimant has requested a Privacy Act Waiver for a person to receive documentation from the case file, the CE will prepare a copy of the requested documentation that is to be attached to the letter. In regard to a person assigned as a Representative or granted Power of Attorney, the CE is to specify the particular powers the representative is granted.

6. Representative Fees. A representative may charge the claimant a fee for costs associated with his/her activities regarding the EEOICPA. The claimant is solely responsible for paying any fee or other costs associated with the actions of a representative. The DEEOIC will not reimburse the claimant, nor is it liable for the amount of any fee and other costs relating to an agreement between a claimant and a representative.

6. Representative Fees. (Continued)

a. Permissible Charges. Under § 7385 of the Act, a representative is permitted to charge an appropriate fee for services rendered. The maximum allowable percentage of a payment of lump-sum compensation that can be collected as a fee is as follows:

- (1) 2% for serviced provided in connection with the initial claim for payment of lump-sum compensation;
- (2) 10% for services provided in matters with respect to objections to a recommended decision denying payment of lump sum compensation.
- (3) No limit for services provided in relation to a claim subsequent to the issuance of a final decision by the Final Adjudication Branch.

U. S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
DIVISION OF ENERGY EMPLOYEES' OCCUPATIONAL
ILLNESS COMPENSATION
200 CONSTITUTION AVE
ROOM C-4511
WASHINGTON DC 20210
TELEPHONE: (202) 693-0081



Date

Claimant Name

Address

City, State, Zip-Code

Dear Claimant:

The Energy Employees Occupational Illness Compensation Program (EEOICP) takes privacy concerns very seriously. Accordingly, we can not release personal information concerning your claim record unless you designate another individual with whom the District Office may communicate. You have three options in allowing other individuals access to information contained in your claim record.

Privacy Act Waiver. A Privacy Act waiver grants the EEOICP permission to copy documentation from the case file and send it to a person of your choosing. This person may be anyone you wish to receive and read material from your case file. The designated person will have no authority to make requests for additional information or sign documents on your behalf.

Representative. A representative is a person you designate to assist with the claim adjudication process. You may designate a single representative at any one time. If a representative has been appointed, the EEOICP is not permitted to recognize another until the original is withdrawn. The designated representative has the ability to access your claim record, receive correspondence, submit additional evidence, argue factual or legal issues, and exercise appeal requests. A designated representative does not have signature authority on your behalf.

Power of Attorney. A power of attorney is a designation that permits another person to act on your behalf concerning financial or legal actions. Generally, a person with power of attorney is authorized to sign documents as if they were you. While an existing power of attorney may apply to the EEOICP claims process, the ability of the person to act with power of attorney may be limited. The language of each power of attorney contract will detail the extent of the authorization granted. This will require the EEOICP to review any power of attorney submitted in order to determine its validity.

If you choose to grant a privacy act waiver or decide to designate a representative, you must submit a signed written request for such to your District Office. The written request should specify whether you are granting a privacy act waiver or designating a representative. In addition, you must provide the (1) name, (2) address, and (3) telephone number of the person you are allowing to receive a copy of documentation from your case file or assigning as representative.

If you have granted a **power of attorney** to another person, you must provide a copy of the legal documentation allowing that person to act on your behalf in regard to a claim before the EEOICP. It is important for you to consider the fact that a valid power of attorney grants another person the ability to sign your name in regard to any matter before the EEOICP including payment of monetary benefits. Any power of attorney submitted will be reviewed to ensure it is applicable to the EEOICP.

Please feel free to contact the District Office, if you have any questions or concerns. Our telephone number is 000-000-0000 or fax 000-000-0000

Sincerely,

Claims Examiner